

Court File Number: CV - 14 - 10443 - 0066

Superior Court of Justice
Commercial List

FILE/DIRECTION/ORDER

Meridian Credit

Plaintiff(s)

AND

Vandermeer Greenhouses Ltd.

Defendant(s)

Case Management ☐ Yes ☐ No by Judge: _____

Counsel	Telephone No:	Facsimile No:
G. Azell + d. B. MacFarlane		
P. Marshall + C. Kiewerskie		

- ☐ Order ☐ Direction for Registrar (No formal order need be taken out)
☐ Above action transferred to the Commercial List at Toronto (No formal order need be taken out)
☐ Adjourned to: _____
☐ Time Table approved (as follows): _____

Motion by the Receiver for approval of the sale of Property.
Cross-motion by "Interested Parties" seeking various relief
but essentially to postpone the sale and obtain information
from the Receiver concerning its communications with
the purchasers about the sale of the Property.
The Property is a farm property in Niagara-on-the-
Lake growing cut flowers chrysanthemums and the operation
of an anaerobic digestion facility. The interested Parties
are neighbours who farm or live nearby.

July 28, 2016

Date

[Signature]

Judge's Signature

☒ Additional Pages 2

Court File Number: CV-14-10443-00CL

Superior Court of Justice
Commercial List

FILE/DIRECTION/ORDER

Judges Endorsment Continued

The receivership has existed for 5 years, first as a private receivership and second, since February 2014 as a court appointed receivership. The Property has been extremely difficult to sell. The applicant, secured creditor, has suffered a significant loss.

The Interested Parties have been engaged in lengthy proceedings before the Normal Farm Practices Protection Board with respect to the Receiver's activities on the Property. They assert that the operation on the Property is not a normal farm practice and that it has caused disturbances as set out in the Food Farming Production and Protection Act. The hearing has concluded but no decision has been received. The Interested Parties submit that if the sale goes through, the proceedings before the Board will be moot. Based on the material before me I am not in a position nor do I have to make a decision concerning that issue. In my view, it is for the Board to decide. I do not consider, however, that it should hold up the proposed sale of

Court File Number: CV-14-10443-MCL

Superior Court of Justice
Commercial List

FILE/DIRECTION/ORDER

Judges Endorsement Continued

the Property. Nor ~~do~~ am I of the view that the Interested Parties have any right to disclosure of the communications between the Receiver and the proposed purchasers concerning the sale of the Property. Simply put, it is none of their business. The issues will still remain between the Interested Parties and the Receiver. The order requested does not discharge or release the Receiver.

Based on the material filed, I am satisfied that the proposed sale is in the ^{best} interests of all affected parties and that it should be approved. I also agree that the unredacted Purchase Agreement should be sealed until the completion of the sale.

Order signed by me.

